



Privacy Regulations

Processing of Employee Personal Data Breda University of Applied Sciences

October 2018

As established in the meeting of the Executive Board on: 29-05-2018 (8-10-2019 after consent PC)

The consent of the NHTV Participation Council was acquired on: 1-10-2019

The approval of the Supervisory Board was acquired on: not applicable

Submitted to the Minister of OCW on: not applicable

English version available: yes

Owner: Secretary of the Executive Board (College van Bestuur)

Preface

These Privacy Regulations for employees were drawn up in 2003 as a consequence of the introduction of the Personal Data Protection Act (*Wet bescherming persoonsgegevens*). In 2004, the Executive Board (*college van bestuur*) adopted an amended version.

In the course of 2014, it became apparent that these regulations needed updating. The most important changes in this version of the regulations compared to the previous one are:

- IB-Groep has been replaced by DUO;
- Layout and definitions have been adapted to meet the styles and formats used in the NHTV regulations;
- Terminology is in agreement with the Privacy Regulations for students;
- Data delivery in relation to the HRM Office has been further specified.

On 25 May 2018 the General Data Protection Regulation (*Algemene Verordening Gegevensbescherming, AVG*) entered into force. The AVG replaces the Personal Data Protection Act (*Wet bescherming persoonsgegevens, Wbp*). The AVG brings with it a number of changes that require the updating of these Privacy Regulations. Changes mainly relate to the new rights of data subjects and the new obligations of NHTV as the responsible party.

On 1 September 2018, the name (given in the articles of association) was changed to Breda University of Applied Sciences. This name change was implemented in these Privacy Regulations in October.

Table of Contents

SECTION 1	GENERAL	4
ARTICLE 1.1	DEFINITIONS	4
SECTION 2	SCOPE AND OBJECTIVE OF THESE REGULATIONS	7
ARTICLE 2.1	SCOPE OF THESE REGULATIONS.....	7
ARTICLE 2.2	OBJECTIVE OF THESE REGULATIONS.....	7
ARTICLE 2.3	APPLICABILITY	7
SECTION 3	DATA PROCESSING	8
ARTICLE 3.1	OBJECTIVE OF DATA PROCESSING	8
ARTICLE 3.2	OBLIGATION TO DOCUMENT AND PROCESSING REGISTER.....	8
ARTICLE 3.3	DATA SUBJECTS, CATEGORIES OF PERSONS	9
ARTICLE 3.4	TYPES OF DATA.....	9
ARTICLE 3.5	SPECIAL PERSONAL DATA	10
ARTICLE 3.6	THE WAY IN WHICH PERSONAL DATA ARE OBTAINED.....	10
SECTION 4	MANAGEMENT AND PROVISION OF DATA	11
SECTION 5	RIGHTS OF DATA SUBJECTS	12
ARTICLE 5.1	RIGHTS OF DATA SUBJECTS: TO ACCESS, TO ERASURE, TO BE FORGOTTEN, TO DATA PORTABILITY, TO OBJECT, TO RESTRICTION OF PROCESSING	12
SECTION 6	ACCESS TO FILES, MANAGEMENT AND SECURITY	15
ARTICLE 6.1	DIRECT ACCESS TO PERSONAL DATA	15
ARTICLE 6.2	RESPONSIBILITY.....	15
ARTICLE 6.3	CONFIDENTIALITY AND SECURITY	15
ARTICLE 6.4	RETENTION, ANONYMISATION AND DESTRUCTION OF DATA.....	15
SECTION 7	CONCLUDING AND IMPLEMENTING PROVISIONS	17
ARTICLE 7.1	TRANSITIONAL AND CONCLUDING PROVISIONS.....	17
ARTICLE 7.2	ENTRY INTO FORCE	17

Section 1 General

Article 1.1 Definitions

In these regulations, the following is meant by:

Application manager	The person responsible for maintaining the business applications and data collections of the organisation.
AP	Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens, AP</i>), the authority in the Netherlands charged with the enforcement of the privacy legislation.
AVG	General Data Protection Regulation (<i>Algemene Verordening Gegevensbescherming, AVG</i>). This is the European regulation that replaces national legislation with regard to privacy and personal data. In the Netherlands, the Personal Data Protection Act (<i>Wet bescherming persoonsgegevens, Wbp</i>) will expire with the entry into force of the AVG.
Administrator	The officer who, by order of the responsible party, coordinates the technical (IT) processing of personal data.
File	Any structured set of personal data, regardless of whether this set of data has been centralised or distributed in a functional or geographic manner, which is accessible in accordance with certain criteria and which relates to various persons.
Data subject	The person to whom the personal data relate. In the context of these Privacy Regulations, this mainly concerns employees of Breda University of Applied Sciences.
Competent authority	The governing body of Stichting Breda University of Applied Sciences, as referred to in article 10.2 of the Dutch Higher Education and Research Act (<i>Wet op het hoger onderwijs en wetenschappelijk onderzoek, WHW</i>) in conjunction with articles 3 to 7 inclusive and article 17 of the articles of association of Stichting Breda University of Applied Sciences.
CAO-HBO	Collective Labour Agreement for the Higher Education Sector (<i>Collectieve Arbeidsovereenkomst voor het Hoger Beroepsonderwijs</i>). Dutch Data Protection Authority (<i>College bescherming persoonsgegevens, CBP</i>): the authority referred to in article 51 of the Personal Data Protection Act.
Obligation to document	Under the AVG (Article 30 AVG), a controller may be required to keep a processing register and to document which processing of personal data takes place within the organisation. Breda University of Applied Sciences is obliged to keep a processing register in the context of the AVG.

DUO	Education Executive Agency (<i>Dienst Uitvoering Onderwijs, DUO</i>), the organisation formed by the merger of the IB-Groep and CFI.
Third party	Any party, other than (1) the data subject, (2) the responsible party and/or (3) the processor or (4) any person authorised to process personal data under the direct authority of the responsible party or the processor.
Third country	A country outside the European Union, including international organisations with a seat in the EU.
Data Protection Officer¹	Data Protection Officer (<i>Functionaris voor de Gegevensbescherming, FG</i>): the officer as referred to in article 37 of the Dutch Personal Data Protection Act.
Guest	A visitor to Breda University of Applied Sciences, such as a guest lecturer, participant in an event at Breda University of Applied Sciences, family members, subscriber to the <i>mediatheek</i> (library), etc.
Basis	Breda University of Applied Sciences requires a basis for processing personal data. There are six elements on which the processing can be based. The processing: <ol style="list-style-type: none"> 1. Is necessary to prepare or execute an agreement with the data subject; 2. Is required to comply with a legal obligation; 3. Is of vital importance to someone; 4. Is necessary to properly fulfil an area of government responsibility; 5. The interest to Breda University of Applied Sciences is such that it outweighs the interest of the data subject; 6. Takes place with the data subject's consent.
Breda University of Applied Sciences	Breda University of Applied Sciences
HRM	The Human Resource Management office of Breda University of Applied Sciences.
Employee	A person who is employed by Breda University of Applied Sciences on the basis of an employment contract under civil law. A person who works at Breda University of Applied Sciences on the basis of a temporary employment contract, a placement contract, a secondment contract, or on another basis, will be considered equivalent to an employee.
OCLC	Online Computer Library Center (alliance of libraries).
Recipient	The person to whom the personal data are provided.
Personal data	All information relating to an identified or identifiable natural person. An identifiable person is a natural person who can be identified, directly or indirectly, particularly by means of an identifier such as a name, an identification number, location data or an e-mail address.

¹ Information about the duties of a Data Protection Officer can be found at intranet.nhtv.nl and at www.cbppweb.nl

Records schedule	A schedule of guidelines for retention periods for Higher Education that states how long Breda University of Applied Sciences should retain records on the basis of the Public Records Act 1995 (<i>Archiefwet 1995</i>).
Proportionality principle	The degree to which the data subject's interests are affected must not be disproportionate in relation to the purpose to be served by processing the data.
Subsidiarity principle	The guiding principle that the data processing purpose cannot be achieved through another, less intrusive, way.
System manager	The person who manages the technical part of the files.
Data subject's consent	Any freely-given, specific and informed (active) expression of will whereby data subjects agree to the processing of personal data relating to them.
Responsible party	The natural person, legal person, or any other person who, or the governing body which, alone or together with others, determines the purpose and means of personal data processing, in this case: the competent authority of Breda University of Applied Sciences.
Provision of personal data	Disclosing personal data or making them available, insofar as they were obtained wholly or largely from data included in the files, or through the processing thereof, whether or not in connection with other data.
Processor	A natural or legal person, a government agency, a service or another body that processes personal data on behalf of the controller.
Processing agreement	An agreement concluded between a responsible party and a processor in which the agreements regarding the processing of personal data are recorded.
Processing register	A register that keeps track of the processing activities with regard to personal data (see also the obligation to document).
Personal data processing	Any action or whole of actions relating to personal data, including at any rate the collection, recording, putting in order, storage, updating, modification, retrieval, consultation, use, provision by forwarding, distribution or any other form of making available, compiling, interrelating, as well as the protection, erasure or destruction of data.
Personal data collecting	Obtaining personal data (both digitally and on paper).
Wbp	Dutch Personal Data Protection Act (<i>Wet bescherming persoonsgegevens</i>) (lapsed as of 25 May 2018).
WHW	Dutch Higher Education and Research Act (<i>Wet op het Hoger onderwijs en Wetenschappelijk onderzoek, WHW</i>).

Section 2 Scope and Objective of these Regulations

Article 2.1 Scope of these regulations

- 1 These regulations apply to all personal data of data subjects as referred to in article 3.3 of these regulations, which are processed by the responsible party or on the instructions of the responsible party, insofar as the data can easily be traced to individual persons.
- 2 For the processing of (special/sensitive) personal data by student counsellors and psychologists, confidential advisers, the Breda University of Applied Sciences complaints committee and the institute's Examination Appeals Board (*College van Beroep voor de Examens, CBE*), additional provisions apply with regard to the nature of the personal data processed and the position held by the aforementioned persons.
- 3 The officials referred to in paragraph 2 are authorized, by virtue of their duties, to process special personal data provided they have permission from the Data Subject. The aforementioned officers are furthermore bound to (strict) confidential treatment of the (special) personal data processed by them.
- 4 Insofar as data from the files referred to in the second paragraph of this article are provided to third parties, this can only take place with the express permission of the relevant data subject, or on the basis of a power or obligation included in a statutory regulation or in these Privacy Regulations.
- 5 The retention periods mentioned in these regulations are in conformity with the Records schedule for higher education institutions (*Selectielijst hogescholen*).
- 6 The provisions in these regulations will only be legally effective if and insofar as they are not in conflict with the provisions set out by or pursuant to the WHW.

Article 2.2 Objective of these regulations

- 1 The objectives of these regulations are: to protect the privacy of anyone whose personal data are processed against misuse of these data and against processing of incorrect data.
- 2 to prevent that personal data are processed for any other purpose than the one for which they were obtained.
- 3 to clarify and guarantee the rights of the data subjects.

Article 2.3 Applicability

- 1 All use of the words 'he', 'him', 'his', or 'the student' in these regulations is meant to include both genders.
- 2 These regulations apply to employees, guests and visitors of Breda University of Applied Sciences and third parties working at Breda University of Applied Sciences, unless otherwise specified.

Section 3 Data processing

Article 3.1 Objective of data processing

- 1 Having access to lawfully obtained information for the purpose of the operations of Breda University of Applied Sciences, or for the purpose of carrying out statutory duties.
- 2 Being able to respond adequately to a demand to provide data to persons or bodies with public law duties.
- 3 Purposes of data processing include:
 - handling personnel matters;
 - managing the work activities of the Data Subject;
 - establishing and paying salary;
 - making arrangements regarding benefits in connection with termination of employment;
 - education/training of the Data Subject;
 - workplace medical care for the Data Subject;
 - workplace welfare department;
 - electing members of a co-decision body, as incorporated under Dutch law;
 - internal control and company security;
 - executing an employment condition which applies to the data subject;
 - granting dismissal;
 - administration of a staff association;
 - collecting receivables, including using the services of a debt collection agency;
 - handling of disputes;
 - the transfer or the temporary assignment of the data subject to another part of the group with which the responsible party is affiliated;
 - having an accounting audit performed;
 - the implementation or application of other legislation.

Article 3.2 Obligation to document and processing register

- 1 Breda University of Applied Sciences is obliged to keep a processing register by virtue of Article 30 of the AVG and to carefully document which personal data are processed by whom, for what purpose, how the security is designed and how long certain personal data are retained.
- 2 In the processing register referred to in paragraph 1 of this provision, the following information must in any case be included:
 - A. name of the controller and the Personal Data Officer;
 - B. the purposes of the processing;
 - C. a description of the categories of data subjects and categories of personal data;
 - D. the categories of recipients to whom personal data have been or will be provided, including recipients in third countries or international organisations;
 - E. where applicable, transfers of personal data to a third country or international organisation, including stating such third country or international organisation;
 - F. the intended retention periods;
 - G. a general description of the technical and organisational security measures.
- 3 The processing register is managed by the Data Protection Officer. The Data Protection Officer is responsible for keeping the processing register up-to-date and evaluates whether

the information referred to in paragraph 2 of this article is correct and complete at least twice a year.

- 4 In addition to what has been stated in the preceding paragraphs of this article, any employee who manages data processing or who executes new data processing is subject to the obligation to discuss the intended processing with the Data Protection Officer and, if necessary, comply with his instructions relating to the processing.
- 5 Data subjects can obtain further information from the Data Protection Officer about the processing of their personal data.
- 6 If there are changes in the personal data of the data subjects (for example in the case of a relocation), the data subject is obliged to have these changes implemented in the appropriate application or service of Breda University of Applied Sciences, so that Breda University of Applied Sciences can process accurate information.

Article 3.3 Data subjects, categories of persons

Data can be processed on the following categories of persons who are or were employed with Breda University of Applied Sciences:

- Employees with an employment contract in accordance with the CAO;
- Temporary workers;
- Secondees;
- Persons who carry out work within the framework of an assignment/project
- Prospective employees (job applicants);
- Former employees;
- Trainees / interns.

Article 3.4 Types of data

- 1 The following types of personal data can be processed:
 - a Name, first names, initials, academic title, gender, date of birth, address, postal code, city/town, telephone number, and similar data needed for communication, as well as bank and/or giro account number of the data subject, and if applicable, date of death;
 - b A registration number that does not contain any other information than referred to under a) of this article;
 - c Citizen Service Number (*Burgerservicenummer*, *BSN*);
 - d Nationality and place of birth, civil status, form of cohabitation and first name by which one is known;
 - e Data as referred to under 'a' of this article relating to the parents, guardians or carers of underage data subjects;
 - f Data relating to training, education, courses, and internships/traineeships completed and yet to be completed;
 - g Data relating to the position or any former position(s), as well as the nature, content, start and termination of the employment;
 - h Data needed for the registration of the data subject's presence at their place of work and their absence with regard to leave, reduced working hours, childbirth or illness, with the exception of data relating to the nature of the illness;
 - i Data incorporated in the interest of data subjects with a view to their working conditions;
 - j Data, including data relating to family members and former family members of the data subject, insofar as these data are needed with a view to an employment condition agreed;
 - k Data needed for organising personnel assessment and career counselling, insofar as these data are known to the data subjects;
 - l Data needed for calculating, establishing and paying salaries, allowances, and other sums of money and non-monetary rewards to or for the benefit of data subjects;
 - m Data needed for calculating, establishing and paying taxes and contributions for the benefit of data subjects;

- n Other data than those referred to under 'a' to 'm' inclusive, the processing of which is required in accordance with or is needed with a view to the application of another act;
 - o Other data needed for the performance of the job duties; a condition in this respect is that these data are provided by or are known to data subjects themselves;
 - p Other data, obtained via a camera which is visible or the presence of which has been made known;
 - q Other data, obtained via a hidden camera, if it involves any suspicion of a punishable or unlawful act by an employee, in which the proportionality and subsidiarity principles are taken into consideration;
- 2 The list of data in the first paragraph of this article is not exhaustive. Changes may occur as a consequence of, among other things, changes in the (educational) organisation or in legislation.

Article 3.5 Special personal data

- 1 The processing of personal data concerning a person's religion or personal beliefs, race, political persuasion, health, sexual life, as well as personal data concerning membership of a trade union is prohibited, unless there one of the exceptions specified in article 9, paragraph 2 of the AVG exists. There may be such an exception, for instance, if the data subject has given express permission for the processing of this personal data.
- 2 Except in a situation where the data subject has explicitly given permission for the processing of special personal data, the assessment of the question whether one of the exceptions referred to in article 9, paragraph 2 of the AVG relates to the processing of this personal data is reserved for the Data Protection Officer.
- 3 The processing of criminal data is prohibited (article 10 of the AVG), unless there is a legal exception and there is a basis for processing this data. A legal exception exists where:
- a the processing is under the supervision of the government; or
 - b the processing is permitted under national law. These are EU law provisions or Member State law provisions, which offer appropriate guarantees for the rights and freedoms of the data subjects.

Article 3.6 The way in which personal data are obtained

- 1 The data referred to in article 3.4 of these regulations are provided by the data subject insofar as possible at the time of the job application, or upon entry into employment and/or collected by the HRM Office of Breda University of Applied Sciences, and included in the file and kept up to date.
- 2 The data referred to in article 3.4 under 'p' are obtained by using a camera which is visible or which presence has been made known.
- 3 The data referred to in article 3.4 under 'q' are obtained by using a hidden camera, if there is any suspicion of a punishable or unlawful act by the employee, in which the proportionality and subsidiarity principles are taken into consideration

Section 4 Management and provision of data

- 1 A Within the organisation of the responsible party, personal data from the files are provided to internal processors insofar as necessary for the performance of their duties or for the handling of disputes.

B The letter of appointment of an employee will, if applicable, state that he is mandated to manage the personal data that is necessary for the proper performance of his duties.
- 2 In cases other than where it is required in accordance with a statutory provision, the personal data from the files will be provided to third parties to the extent that is necessary with a view to:
 - a an employment condition which applies to the data subject;
 - b personnel and salary records;
 - c the HRM system and the salary system;
 - d administration of entitlements to benefits in connection with termination of employment;
 - e accrual of pension entitlements;
 - f administration of a staff association;
 - g the study programme;
 - h workplace medical care;
 - i workplace security;
 - j the transfer or temporary assignment of the data subject to another part of Breda University of Applied Sciences;
 - k granting dismissal;
 - l using the services of a debt collection agency;
 - m handling of disputes;
 - n having an audit performed by an accountant;
 - o using the *mediatheek* (library) of Breda University of Applied Sciences (data will be provided to OLCL).
- 3 Processing as referred to in paragraph 2 of this provision (processing of personal data by external parties) may only be carried out if permission has been granted by the Data Protection Officer and if (where necessary) this takes place on the basis of a processor agreement approved by the Data Protection Officer.
- 4 Furthermore, information can be provided to public or semi-public bodies by or on behalf of the responsible party within the framework of the implementation of laws and regulations assigned to these organisations and to organisations whose activities arise from statutory regulations.
- 5 In addition to the provisions in the second and third paragraphs of this article, personal data as specified in the second and third paragraphs can be provided to third parties, if this is considered to be in the interest of the employee. This will only be done if the intention to do so has been made known in a proper manner to the data subjects or their legal representatives and if they have been given a reasonable period of time to submit a request to omit provision of the data.
- 6 If personal data have been anonymised in such a way that they cannot be traced to individual persons, the responsible party may decide to provide these for the purpose of academic / scientific research or statistics insofar as:
 - the research serves a general interest;
 - the processing is necessary for the research or statistics concerned; and
 - in the execution of the research / statistics, provisions are made to guarantee that the privacy of the data subject is not disproportionately harmed.Breda University of Applied Sciences can request signature of a statement of confidentiality before making this information available.
- 7 If employees work from home, they must be contactable and/or accessible. For this purpose, contact details are available and may be provided to Breda University of Applied Sciences employees.

Section 5 RIGHTS OF DATA SUBJECTS

Article 5.1 Rights of Data Subjects: to access, to erasure, to be forgotten, to data portability, to object, to restriction of processing

Each data subject has the following rights with regard to the processing of his personal data:

1 The right to access

The right to access (article 15 of the AVG): The data subject has the right to access his data. If the data subject invokes his right to access, the data subject must receive a copy of all data processed about him. If the request is made via the internet or via e-mail, the request must be granted via the internet or e-mail. In addition to the access to the data, the data subject must also be informed about the purposes for which the data are processed, the types of personal data, the types of recipients to whom the data are provided, the retention period and about any transfer to third countries and the safeguards applied thereto. The responsible party must respond to a request for access within 2 weeks of receipt. The responsible party can forward the request to the relevant administrator for processing.

2 The right to rectification

- a The right to rectification: the data of the data subject must be rectified if he correctly indicates that they are incorrect, provided that the data subject cannot adjust the data himself in the available applications. The data must be supplemented if they are incomplete, provided that this is reasonable in view of the purposes of the processing. The data subject will have to prove that the processed data are incorrect.

3 The right to erasure

In the following cases, a data subject has the right to the erasure of the personal data processed about him where:

- a. the data are processed unlawfully by Breda University of Applied Sciences;
- b. Breda University of Applied Sciences is legally obliged to erase the personal data;
- c. The data is no longer necessary, given the purposes for which it was processed;
- d. The data subject withdraws his consent and there is no other basis (see Article 1) for retaining the data;
- e. The data subject objects to the processing of the personal data, the weighing of interests is in favour of the data subject and there is no other basis for the processing;
- f. The personal data will only be processed for direct marketing purposes.

In cases a through c, in principle the processing is unlawful by definition and must be erased at its own discretion.

If the data subject requests the erasure of his personal data, this request will be complied with within 2 weeks of the request provided that one of the abovementioned cases exists.

If this cannot be complied with within the 2 week period, the data subject will be informed of this and a new period of 2 weeks will be given (once only) during which the data must be erased.

4 The right to be forgotten

In addition to the right to erasure, the data subject has the right to be forgotten. If a data subject requests the erasure of data and this data has been made public (for example on

a website), Breda University of Applied Sciences must do its best to - within reasonable limits - request others to also delete the data or the linking of the data.

Exceptions

The rights of the data subject mentioned in paragraphs 3 and 4 do not apply and Breda University of Applied Sciences is not required to comply with this where:

- a. there is the right to freedom of expression and information;
- b. Breda University of Applied Sciences has legal obligations to retain the data;
- c. this is in the interest of public health;
- d. the deletion of the data would undermine the purpose of archiving, research or statistics;
- e. this is in connection with legal proceedings.

5 **The right to data portability**

The data subject is entitled to the portability of his data (data portability). The personal data processed about him must be made available to him in such a way that he can easily pass it on to another responsible person. A data subject may require Breda University of Applied Sciences to provide the personal data concerned to another responsible person designated by him.

- 6 A request for data portability must be submitted to the Data Protection Officer via e-mail (fg@buas.nl). The Data Protection Officer forwards the request to the relevant official who then handles the request in accordance with the protocol drawn up for that purpose.

- 7 The personal data that must be transferred will be made available in a standard format.

8 **The right to object to the processing**

A data subject may object to the processing of his personal data on the basis of an area of government responsibility and on the basis of a general weighing of interests (as referred to in articles 1.1.4 and 1.1.5 of these regulations). The weighing of interests referred to in this context is based on a general weighing of interests preceding the processing, which may otherwise be the case in specific individual cases.

If the objection of the data subject is well-founded (and the weighing of interests favours the data subject), the processing of the personal data must be discontinued. If the objection concerns processing with a view to direct marketing (including profiling), the processing must always be discontinued.

9 **The right to restriction of processing**

The data subject is entitled to request a restriction of processing in the following cases:

- a. If he has made a request for rectification that is still pending;
- b. If he has objected to the processing and the weighing of interests of NHTV has not yet been completed;
- c. If the data processing is unlawful, but the data subject does not want the data to be discarded, for example because the data may be of interest to him in legal proceedings.

5.2. **General instructions regarding the rights of data subjects**

- 1 In principle, all requests of data subjects with regard to the rights as set out above must be dealt with within 1 month. Only in exceptional and complex cases is it possible to extend the 1-month period by a maximum of 2 months. If this period is extended, the data subject must be informed of the reasons for this extension.
- 2 All requests from data subjects regarding the rights as set out above, will be forwarded to the Data Protection Officer.
- 3 The Data Protection Officer will determine the identity of the person making the request as well as possible. If the Data Protection Officer doubts the identity of the person making the request, he will ask the person making the request to submit further details regarding his

identity in writing in order to verify that he is the actual data subject as soon as possible but within two weeks of receipt of the initial request.

- 4 After the identity of the person making the request has been established, the Data Protection Officer will forward the request to the proper person within the organisation in order to be able to respond to the request or to explain why the request will not be complied with.
- 5 If the data subject's request is not met, he must be given an explanation of why the request will not be granted. The data subject must also be informed of the option to lodge a complaint with the Dutch Data Protection Authority or to initiate legal proceedings.

In principle, no costs may be charged to the data subject for processing a request as described in this article, provided the request is not disproportionate.

- 6 Breda University of Applied Sciences respects the rights of data subjects on the basis of the AVG and these regulations. If the data subject believes that his rights are infringed, then Breda University of Applied Sciences would prefer to resolve this in mutual consultation. The data subject can complain to the Data Protection Officer regarding the application of these Privacy Regulations, for example if the data subject believes that his rights are being violated in accordance with articles 15, 16, 17, 18, 20 or 19, second paragraph or article 21 of the AVG and/or pursuant to section 5 of these regulations. The Data Protection Officer will handle the complaint within 4 weeks of submission.
- 7 Requests, objections and complaints in accordance with these Privacy Regulations may be submitted by a data subject to the Data Protection Officer. The Data Protection Officer will provide this data subject with advice and submit his advice to the Executive Board for a decision.
- 8 Irrespective of the possibility of filing a complaint with the Data Protection Officer, the data subject may lodge a complaint with the Dutch Data Protection Authority against Breda University of Applied Sciences, in accordance with article 77 of the AVG, or file an application with the courts for legal proceedings against NHTV, in accordance with article 79 of the AVG.

Section 6 Access to Files, Management and Security

Article 6.1 Direct access to personal data

- 1 The following parties have direct access to personal data:
 - the responsible party;
 - the administrators;
 - the officers who need the data in order to carry out their duties as set out in their job descriptions;
 - the functional, application and system managers;
 - the Data Protection Officer.
- 2 At the instruction of the responsible party and the administrator(s) concerned, the application or system manager will grant the various officers, as referred to in the first paragraph of this article, access - by way of a code and password protection in the system - to certain parts of personal data or to all personal data, to the extent required by their work. To this end, the administrator will compile an authorisation table.

Article 6.2 Responsibility

The Executive Board of Breda University of Applied Sciences Breda is the responsible party for the personal data. The Executive Board ensures compliance with these regulations, as well as accuracy of the data collected

Article 6.3 Confidentiality and security

- 1 The responsible party will provide for appropriate technical and organisational measures to prevent loss or unlawful processing of personal data. These measures guarantee an appropriate level of protection, taking into account the current status of technology and the costs of execution, and in view of the risks entailed by the processing and nature of the data to be protected.
- 2 The administrator, system manager and processor are subject to the same obligation, as referred to in paragraph 1.
- 3 Officers who, by virtue of their job duties, take cognizance of personal data from a file are under the obligation not to use these data for any other purpose than the performance of their duties and not to disclose these data to unauthorised persons, in accordance with the relevant provisions of the CAO-HBO.

Article 6.4 Retention, anonymisation and destruction of data

- 1 Breda University of Applied Sciences retains the Personal Data and financial data on the basis of the statutory retention periods. After the expiration of the applicable statutory retention period, the data is deleted or retained in an anonymous form. The removal and destruction must take place within a period of one year after the expiration of this retention period.

- 2 By way of derogation from paragraph 1, data may be retained in an anonymous form if it has been edited in such a way that it is reasonably impossible to trace it back to individual persons.
- 3 Personal data of job applicants who are not hired will be retained for 1 year in the digital file unless the data subject himself asks to have his data removed. The data will be removed by the HRM Office after 1 year, unless the data subject has given permission for the data to be retained longer (for another year) by actively logging in to the 'W&S²-module'.
- 4 Personal data of persons who submitted an unsolicited job application will be removed from the files after 1 year, unless the data subject withdraws as a candidate and asks for earlier removal. The data will be removed after the period of 1 year, unless the data subject actively logs in to the 'W&S-module'. The data will then be retained for another year.
- 5 The data subject has the right to request destruction of any data that can be traced back to him individually. To this end, the data subject is required to submit a substantiated written request to the responsible party. This request can only be denied if retention is required in accordance with a statutory provision and/or a dispute regarding the employment has been submitted or submission of such a dispute is imminent.
- 6 If the request is granted, the data concerned will be either destroyed, or anonymised in such a way that it is no longer reasonably possible to trace the data to an individual person. The responsible party will inform the data subject of its decision in writing.

²The W&S module (*Werk & Selectiemodule*) is part of the HRM system of Raet (Youforce), which is in use at NHTV Breda.

Section 7 CONCLUDING AND IMPLEMENTING PROVISIONS

Article 7.1 Transitional and concluding provisions

- 1 Without prejudice to any legal provisions, these regulations will be in effect throughout the entire duration of the processing of the personal data.
- 2 In the case of transfer or transmission of the data to another responsible party, the data subject will have to be informed of this fact, so that he will have the opportunity to lodge an objection against transfer or transmission of the data that relate to him personally.

Article 7.2 Entry into force

These regulations became effective the day after approval by the Participation Council of Breda University of Applied Sciences and adoption by the Executive Board of Breda University of Applied Sciences. These regulations replace all previous Privacy Regulations.